

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 358*

House Bill No. 1074

by deleting SECTION 1 and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-116, is amended by deleting subsection (d) and substituting the following:

(d) For purposes of this section:

(1) "First responder" means a firefighter, emergency services personnel, POST-certified law enforcement officer, healthcare provider, or person who responds to calls for emergency assistance from a 911 call, and includes capitol police officers, Tennessee highway patrol officers, Tennessee bureau of investigation agents, Tennessee wildlife resources agency officers, and park rangers employed by the division of parks and recreation in the department of environment and conservation; and

(2) "Healthcare provider" means healthcare professionals licensed, registered, certified, or permitted pursuant to title 63 or title 68 and regulated under the authority of either the department of health or any agency, board, council, or committee attached to the department of health.



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Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 706*

House Bill No. 976

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-402(16), is amended by deleting subdivision (D) and substituting:

(D) The term "marijuana" does not include a product approved as a prescription medication by the United States food and drug administration and designated, rescheduled, or deleted as a controlled substance pursuant to § 39-17-403.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 767

House Bill No. 784*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 16-22-103, is amended by deleting subdivision (4)(A)(i)(c) and substituting:

(c) The person committed a felony involving the use of force against the person of another; or

SECTION 2. Tennessee Code Annotated, Section 16-22-103(4)(A), is amended by adding the following as a new subdivision:

() Is convicted of domestic assault under § 39-13-111;

SECTION 3. Tennessee Code Annotated, Section 39-17-418(c)(2)(B)(i), is amended by adding the language "or another licensed treatment program" after the word "services".

SECTION 4. Tennessee Code Annotated, Section 39-17-418(c)(2)(B)(ii), is amended by adding the language "or program" after the word "court".

SECTION 5. Tennessee Code Annotated, Section 39-17-418(c)(2)(B), is amended by adding the following as a new subdivision:

() For persons sentenced under subdivision (c)(2)(A) with clinical assessment results indicating the need to participate in a drug or recovery court or treatment program, the court shall strongly consider ordering service of the sentence through participation in a drug or recovery court or program permitted under subdivision (c)(2)(B)(i) instead of through confinement, unless the court determines the person is not suitable for, or otherwise cannot participate in, such a court or program.



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SECTION 6. Tennessee Code Annotated, Section 40-11-115(a), is amended by adding the following language at the end of the subsection:

If the magistrate orders that the person be released pending trial, then the magistrate shall impose the least restrictive conditions of release that will reasonably ensure the appearance of the person as required and the safety of the community.

SECTION 7. Tennessee Code Annotated, Section 40-11-115, is amended by deleting subsection (b) and substituting:

(b) In determining under subsection (a) whether or not a defendant shall be released, and if so, the least restrictive conditions of release that will reasonably ensure the appearance of the defendant as required and the safety of the community, the magistrate must consider any available results of an evidence-based pretrial risk assessment conducted regarding the defendant for use in the jurisdiction and the defendant's financial resources. In making this determination, the magistrate may also consider:

- (1) The defendant's length of residence in the community;
- (2) The defendant's employment status;
- (3) The defendant's prior criminal record, including prior releases on recognizance or bail;
- (4) Whether, at the time of being charged with the offense, the defendant was on release pending trial, sentencing, or appeal in connection with another offense;
- (5) The nature of the offense, the apparent probability of conviction, and the likely sentence, insofar as these factors are relevant to the risk of nonappearance;
- (6) Any substance use or mental health issues that would be better addressed in a community-based treatment program; and

(7) Any other factors indicating the defendant's ties to the community or bearing on the defendant's risk of willful failure to appear.

SECTION 8. Tennessee Code Annotated, Section 40-11-115, is amended by adding the following as a new subsection:

() Any person charged only with a violation of § 55-50-504 whose driving privilege was cancelled, suspended, or revoked under § 40-24-105 solely because of a failure to pay litigation taxes, court costs, or fines assessed as a result of the disposition of any offense under the criminal laws of this state, and who does not have a prior conviction for failure to appear under § 39-16-609 within the previous ten (10) years, must be ordered released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the magistrate.

SECTION 9. Tennessee Code Annotated, Section 40-35-104, is amended by deleting subdivision (c)(9) and substituting:

(9) A community-based alternative to incarceration as a condition of probation, such as participation in a day reporting center program, a recovery and treatment program, or another appropriate community-based program. A defendant may be ordered to participate in a recovery and treatment program only if such a program is indicated by the results of a clinical assessment.

SECTION 10. Tennessee Code Annotated, Section 40-35-104, is amended by adding the following as new subsections:

() The court shall strongly consider utilizing available and appropriate sentencing alternatives for any defendant who, as appropriately documented, including through a validated risk and needs assessment under § 40-35-207(a)(10), has a behavioral health need, such as a mental illness as defined in § 33-1-101, or is chemically dependent as defined in § 16-22-103. The court has sole discretion whether to utilize available sentencing alternatives under this subsection ().

() All sentences to a community-based alternative to incarceration in accordance with chapter 36 of this title that are imposed prior to October 1, 2021, must be supervised by the department of correction. The transition of supervision of sentences must be done through cooperation among the department of correction and the entities supervising the sentences prior to October 1, 2021. During the transition period, the supervising entities must continue to supervise sentences in accordance with all contractual requirements with the department of correction and the supervision requirements set by the sentencing court. The transition must be completed by October 1, 2021. A defendant whose sentence undergoes a transition in supervision must be subject to the same terms and conditions, including that the court retains the authority to:

(1) Alter or amend at any time the length, terms, or conditions of the sentence imposed;

(2) Place the defendant on supervised or unsupervised probation. Failure to comply with the terms of probation subjects the defendant to revocation proceedings conducted by the court pursuant to § 40-35-311. If the defendant is incarcerated as a result of revocation, then the defendant must receive credit only for actual time served in the community-based alternative program; or

(3) Revoke the sentence imposed at any time due to the conduct of the defendant or the termination or modification of the program to which the defendant has been sentenced, in which case the court may resentence the defendant to any appropriate sentencing alternative, including incarceration, for any period of time up to the maximum sentence provided for the offense committed, less any time actually served in any community-based alternative to incarceration. Resentencing must be conducted in compliance with § 40-35-210.

SECTION 11. Tennessee Code Annotated, Title 40, Chapter 36, is amended by deleting the chapter and substituting:

40-36-101. The purposes of this chapter are to:

(1) Establish a mechanism for using state funds to contract with local governments and qualified private entities to develop community-based alternatives to incarceration that provide a treatment-centered pathway for offenders, thereby reserving state penal institution, local jail, or workhouse bed space for other offenders;

(2) Facilitate the growth of treatment-centered pathways to alleviate geographical disparities in Tennessee with respect to the availability of such pathways available to judges at sentencing; and

(3) Reduce the number of felony offenders committed to state penal institutions, local jails, and workhouses for whom a treatment-centered pathway and appropriate evidence-based community supervision will result in less recidivism and more effective outcomes.

40-36-102. As used in this chapter, unless the context indicates otherwise:

(1) "Community-based alternative to incarceration" means a day reporting center program, recovery and treatment program, or other appropriate community-based program in lieu of incarceration in a state penal institution or local correctional facility;

(2) "Day reporting center" means a highly structured, non-residential, and phase-based program that combines supervision, treatment, and reentry services for moderate to high-risk offenders with a substance abuse issue or co-occurring mental health issue;

(3) "Local correctional facility" means a detention facility, county or municipal jail, or workhouse operated by the county sheriff or the county government for the housing of pretrial offenders, convicted misdemeanants, or convicted felons; and

(4) "State penal institution" means a secure correctional facility operated by, or under contract with, the department of correction to house felony offenders.

40-36-103. The department of correction may contract with entities, including local governments, to create or operate community-based alternatives to incarceration for offenders sentenced to probation under § 40-35-303.

40-36-104.

(a) Funds awarded under this chapter, including funds paid pursuant to contracts entered in accordance with this chapter, must not be used to supplant existing state or local government funds and must not be used for:

- (1) Construction, renovation, or operation of local correctional facilities; provided, however, that this subdivision (a)(1) does not prohibit the use of such funds to expand jail-based programs for offenders sentenced to split confinement in conjunction with a sentence of probation under chapter 35 of this title;
- (2) Construction, renovation, or operation of state facilities; or
- (3) Salaries of state probation and parole officers.

(b) Administrative costs connected with the expenditure of funds awarded under this chapter shall not exceed a percentage amount established by the department of correction.

(c) Funding under this chapter shall be appropriated on an annual basis and any unspent moneys must be returned to the department of correction to be used for reallocation to other programs administered by the department as authorized under this chapter.

40-36-105. The department of correction may conduct evaluations of funding recipients under this chapter, annually or as often as needed, to ensure accountability and to measure the efficiency of the community-based alternatives to incarceration conducted under this chapter, and contractors must participate in the evaluations. The form and methods of the evaluations must be determined by the department. Funding recipients under this chapter must substantially comply with the standards and administrative regulations of the department defining the effectiveness of a community-based alternative to incarceration and must maintain, collect, and provide to the department, annually or as otherwise requested, any information required by the department for evaluation, including:

(1) The number of individuals admitted to the community-based alternative to incarceration;

(2) The ratio of staff members to offenders;

(3) The number of successful completions of the community-based alternative to incarceration;

(4) The average time for an individual to successfully complete the community-based alternative to incarceration;

(5) The number of individuals in the community-based alternative to incarceration who have incurred a new arrest, new conviction, or revocation of a community correction sentence, including the type of arrest, conviction, or revocation and the underlying conduct resulting in the arrest, conviction, or revocation; and

(6) The average time an individual spends in the community-based alternative to incarceration before a new arrest, conviction, or revocation.

40-36-106.

(a) The department of correction may promulgate rules to effectuate this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) The supreme court must coordinate with the department of correction to update the uniform judgment document promulgated in accordance with § 40-35-209(f) to ensure consistency with this chapter.

SECTION 12. Tennessee Code Annotated, Section 8-4-115(i)(1)(O), is amended by deleting the language "or to community correction".

SECTION 13. Tennessee Code Annotated, Section 39-13-523(a)(7)(A), is amended by deleting the language ", parole or community correction supervision" and substituting the language "or parole supervision".

SECTION 14. Tennessee Code Annotated, Section 39-13-704(a), is amended by deleting the language "thirteen (13) members" and substituting the language "twelve (12) members".

SECTION 15. Tennessee Code Annotated, Section 39-13-704, is amended by deleting subdivision (a)(7).

SECTION 16. Tennessee Code Annotated, Section 39-13-706(a), is amended by deleting the language ", community corrections,".

SECTION 17. Tennessee Code Annotated, Section 39-17-308(b)(1), is amended by deleting the language "community correction".

SECTION 18. Tennessee Code Annotated, Section 39-17-1324(e)(2), is amended by deleting the language "community correction pursuant to title 40, chapter 36,".

SECTION 19. Tennessee Code Annotated, Section 39-17-1324(i)(3)(A), is amended by deleting the language ", parole or community correction supervision" and substituting the language "or parole supervision".

SECTION 20. Tennessee Code Annotated, Section 39-17-1350, is amended by deleting subsection (g).

SECTION 21. Tennessee Code Annotated, Section 39-17-1363(b), is amended by deleting the language ", community correction".

SECTION 22. Tennessee Code Annotated, Section 40-9-124, is amended by deleting the language "probation pursuant to § 40-35-501(a)(3), or has escaped from or broken the terms of a sentence to any community based alternative to incarceration pursuant to chapter 36 of this title" and substituting "or probation pursuant to § 40-35-501(a)(3)", by deleting the language "or placement in the community-based alternative to incarceration," and by deleting the last sentence.

SECTION 23. Tennessee Code Annotated, Section 40-11-130(b)(1), is amended by deleting the language "community correction,".

SECTION 24. Tennessee Code Annotated, Section 40-11-130(b)(2), is amended by deleting the language ", community correction" wherever it appears.

SECTION 25. Tennessee Code Annotated, Section 40-28-610(h), is amended by deleting the language ", or in conjunction with a community-based program in accordance with the Tennessee Community Corrections Act of 1985, compiled in chapter 36 of this title".

SECTION 26. Tennessee Code Annotated, Section 40-29-106(a), is amended by deleting the language "pretrial or judicial diversion or community correction supervision" and substituting the language "or pretrial or judicial diversion".

SECTION 27. Tennessee Code Annotated, Section 40-35-114, is amended by deleting subdivision (13)(E).

SECTION 28. Tennessee Code Annotated, Section 40-35-120(e)(2), is amended by deleting the language "a community correction program pursuant to chapter 36 of this title, a sentence to".

SECTION 29. Tennessee Code Annotated, Section 40-35-122(a), is amended by deleting the language "community corrections,".

SECTION 30. Tennessee Code Annotated, Section 40-35-207(a)(9), is amended by deleting the language "an available and appropriate community-based alternative to incarceration as provided in chapter 36 of this title and in imposing the terms and conditions for any such sentence" and substituting "probation, including the condition of participating in a community-based alternative to incarceration as provided in § 40-35-104(c)(9)".

SECTION 31. Tennessee Code Annotated, Section 40-35-209, is amended by deleting subdivision (e)(1)(N).

SECTION 32. Tennessee Code Annotated, Section 40-35-303(a), is amended by deleting the last sentence.

SECTION 33. Tennessee Code Annotated, Section 40-35-303(d), is amended by adding the following as a new subdivision:

() Participation in a day reporting center program, recovery and treatment program, or another appropriate community-based program;

SECTION 34. Tennessee Code Annotated, Section 40-35-310(b), is amended by deleting the language "to any community-based alternative to incarceration authorized by chapter 36 of this title" and substituting "to a sentence of probation including the condition of participating in a community-based alternative to incarceration as provided in § 40-35-104(c)(9)".

SECTION 35. Tennessee Code Annotated, Section 40-35-321(b), is amended by deleting the language "or community correction if either" and substituting the language "if probation".

SECTION 36. Tennessee Code Annotated, Section 40-35-321(d)(1), is amended by deleting the language "or community correction if either" and substituting the language "if probation".

SECTION 37. Tennessee Code Annotated, Section 40-35-501(a)(7)(B)(ii), is amended by deleting the language "to any community-based alternative to incarceration authorized by chapter 36 of this title" and substituting "to a sentence of probation, including the condition of participating in a community-based alternative to incarceration as provided in § 40-35-104(c)(9)".

SECTION 38. Tennessee Code Annotated, Section 40-35-501(k)(4)(A), is amended by deleting the language ", parole or community correction supervision" and substituting "or parole supervision".

SECTION 39. Tennessee Code Annotated, Section 40-35-501(u)(3)(B)(i), is amended by deleting the language "community correction supervision,".

SECTION 40. Tennessee Code Annotated, Section 40-35-501(w), is amended by deleting the language ", probation, or community correction supervision" and substituting "or probation supervision".

SECTION 41. Tennessee Code Annotated, Section 40-35-503(h), is amended by deleting the language ", as defined in § 40-36-102," and adding the following at the end of the subsection:

As used in this subsection (h), "nonviolent felony offense" means a felony offense that does not involve serious bodily injury, as that term is defined in § 39-11-106, or death to a victim or bystander, does not involve threats reasonably calculated to produce such results, and does not involve sexual contact or sexual penetration as those terms are defined in § 39-13-501.

SECTION 42. Tennessee Code Annotated, Section 40-39-207(g)(2)(C)(i), is amended by deleting the language ", parole or community correction" and substituting the language "or parole".

SECTION 43. Tennessee Code Annotated, Section 41-1-126(b), is amended by deleting the language "and community corrections agencies".

SECTION 44. Tennessee Code Annotated, Section 41-1-126(c), is amended by deleting the language "community corrections agencies,".

SECTION 45. Tennessee Code Annotated, Section 40-35-303(c)(1), is amended by adding the following language at the end of the subdivision:

If the court imposes a period of probation for only one (1) conviction, then the period of probation shall not exceed eight (8) years, including instances where a period of probation is imposed after a period of confinement. If the court imposes a period of probation for more than one (1) conviction, then the total period of probation imposed shall not exceed ten (10) years.

SECTION 46. Tennessee Code Annotated, Section 40-35-308, is amended by deleting subsection (c) and substituting:

(c)

(1) Notwithstanding the actual sentence imposed under § 40-35-303(c), at the conclusion of a probation revocation hearing, the court shall have the

authority to extend the defendant's period of probation supervision for a period not exceeding one (1) year upon determining on the record that:

(A) The defendant has repeatedly and intentionally failed to comply with court-ordered treatment programming;

(B) The defendant has intentionally violated the conditions of probation regarding contact with the victim or the victim's family; or

(C) The defendant has intentionally failed to comply with restitution orders despite having the ability to pay the restitution owed, and extending the period of probation would be more effective than other available options to ensure that the defendant pays the remaining amount of restitution owed.

(2) For each subsequent determination that the defendant has violated a provision or provisions of subdivision (c)(1), the court may extend probation for an additional period not exceeding one (1) year.

SECTION 47. Tennessee Code Annotated, Section 40-35-310, is amended by deleting subsection (a) and substituting:

(a) The trial judge shall possess the power, at any time within the maximum time that was directed and ordered by the court for the suspension, in accordance with the provisions of § 40-35-311, to revoke the suspension. The trial judge may order the original judgment to be in full force and effect from the date of the revocation of the suspension and may give credit against the original judgment for the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation or a portion of that amount of time. If the trial judge revokes the suspension due to conduct by the defendant that resulted in a conviction against the defendant during the defendant's period of probation, then the trial judge may order that the term of imprisonment imposed by the original judgment be served consecutively to any sentence that was imposed upon the conviction.

SECTION 48. Tennessee Code Annotated, Section 40-35-310(b), is amended by deleting the language "restore the original judgment" and substituting "restore the original judgment, which may be reduced by an amount of time not to exceed the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation,".

SECTION 49. Tennessee Code Annotated, Section 40-35-311(d), is amended by designating the existing language as subdivision (1) and adding the following new subdivisions:

(2) Notwithstanding subdivision (d)(1), the trial judge shall not revoke probation, whether temporarily under subdivision (e)(1) or otherwise, based upon one (1) instance of technical violation or violations.

(3) As used in this section, "technical violation" means an act that violates the terms or conditions of probation but does not constitute a new felony, new Class A misdemeanor, or absconding.

SECTION 50. Tennessee Code Annotated, Section 40-35-311, is amended by deleting subsection (e) and substituting:

(e)

(1) If the trial judge revokes a defendant's probation and suspension of sentence after finding, by a preponderance of the evidence, that the defendant engaged in conduct that is a second or subsequent instance of a technical violation pursuant to § 40-35-311(d)(2), then the trial judge may temporarily revoke the probation and suspension of sentence by an order duly entered upon the minutes of the court, and:

(A) Impose the following:

(i) A term of incarceration not to exceed fifteen (15) days for the first revocation;

(ii) A term of incarceration not to exceed thirty (30) days for the second revocation;

(iii) A term of incarceration not to exceed ninety (90) days for the third revocation; or

(iv) The remainder of the sentence, for a fourth or subsequent revocation; or

(B) Resentence the defendant for the remainder of the unexpired term to a sentence of probation that includes the condition of participating in a community-based alternative to incarceration as provided in § 40-35-104(c)(9); provided, that the violation of probation and suspension is a technical violation and does not involve the commission of a new offense.

(2) If the trial judge revokes a defendant's probation and suspension of sentence after finding, by a preponderance of the evidence, that the defendant has committed a new felony, new Class A misdemeanor, or absconding, then the trial judge may revoke the probation and suspension of sentence by an order duly entered upon the minutes of the court, and cause the defendant to commence the execution of the judgment as originally entered, which may be reduced by an amount of time not to exceed the amount of time the defendant has successfully served on probation and suspension of sentence prior to the violation.

(3) If the trial judge revokes a defendant's probation and suspension of sentence, then the defendant has the right to appeal.

SECTION 51. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 52. Sections 3 through 8 and Sections 45 through 50 of this act take effect July 1, 2021, the public welfare requiring it, and apply to court determinations made on or after that date. Sections 9 through 44 of this act take effect October 1, 2021, the public welfare

requiring it, and apply to court determinations made on or after that date. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 768

House Bill No. 785*

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Reentry Success Act of 2021."

SECTION 2. Tennessee Code Annotated, Section 40-28-503(a), is amended by deleting the subsection and substituting:

(a) The board shall establish a policy governing attendance at board hearings and submission and use of victim impact statements and other impact statements.

Copies of the policy shall be available upon request. The policy must govern:

(1) The requirement that those requesting notification of parole and parole revocation hearings keep the board advised of their current addresses and telephone numbers;

(2) Instructions for attending and participating in parole and parole revocation hearings, including instructions for submitting an impact statement video;

(3) The limitations on attendance as set forth in § 40-28-502;

(4) Reasonable limitations on oral presentations and videos; and

(5) Information about board discretion to investigate victim impact statements and other impact statements.

SECTION 3. Tennessee Code Annotated, Section 40-28-503, is amended by adding the following as new subsections:

(c)



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(1) The board shall establish a digital function that a victim or other impacted person may use to electronically submit an impact statement video to be considered at an inmate's parole or parole revocation hearing. The digital function must allow the victim or other impacted person to submit a video of the victim or other impacted person presenting an impact statement as otherwise permitted by this part. The board may impose reasonable restrictions regarding the length of impact statement videos.

(2) The digital function must allow a victim or other impacted person to indicate whether the victim or other impacted person would like the impact statement video to be resubmitted to any future parole or parole revocation hearings involving the same inmate and offense. If the victim or other impacted person indicates that the victim or other impacted person would like the video resubmitted to any future parole or parole revocation hearings involving the same inmate and offense, then the board shall consider the video at future hearings without further request from the victim or other impacted person. Prior to consideration at a subsequent hearing, the board shall notify the victim or other impacted person, in the same manner that notice is provided pursuant to § 40-28-505(b)(4), that the video will be considered at the hearing unless the victim or other impacted person informs the board, in writing or using the digital function, that the victim or other impacted person no longer wishes to have the video considered. A victim or other impacted person may inform the board at any time, in writing or using the digital function, that the victim or other impacted person no longer wishes to have a previously submitted video considered by the board. If a victim or other impacted person informs the board that the victim or other impacted person no longer wishes to have a previously submitted video considered by the board using the digital function, the digital function must provide the victim or other impacted person the opportunity to indicate whether

the victim or other impacted person will be submitting a new impact statement video, and whether the victim or other impacted person is opposed to, in favor of, or indifferent to the granting or revoking of parole to the inmate.

(3) Any impact statement video is subject to the board's policies and rules governing the privacy of board records pursuant to §§ 40-28-119 and 40-28-503.

(d) As used in this section, "victim" includes both victims and victim representatives, as those terms are defined in § 40-38-203.

SECTION 4. Tennessee Code Annotated, Section 40-28-504, is amended by deleting the section and substituting:

(a) The board shall accept and consider victim impact statements, including victim impact statement videos.

(b) Written victim impact statements and victim impact statement videos are confidential and must not be made available to the public.

(c) Assertions made in a victim impact statement may be investigated and verified by the board.

(d) As used in this section, "victim" includes both victims and victim representatives, as those terms are defined in § 40-38-203.

SECTION 5. Tennessee Code Annotated, Section 55-50-321(a), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) The application fee required under subdivision (a)(1) is not required in the case of applications for restricted driver licenses under § 40-24-105(b).

SECTION 6. Tennessee Code Annotated, Section 40-24-105(b)(3)(D), is amended by deleting the language "and paying the application fee to the department".

SECTION 7. Tennessee Code Annotated, Section 40-24-105(b)(4)(B), is amended by deleting the language ", together with an application fee of sixty-five dollars (\$65.00),".

SECTION 8. Tennessee Code Annotated, Section 40-24-105(b)(5)(E), is amended by deleting the language ", together with an application fee of sixty-five dollars (\$65.00),".

SECTION 9. Tennessee Code Annotated, Section 40-28-115(i), is amended by deleting the language "ten (10)" and substituting the language "six (6)".

SECTION 10. Tennessee Code Annotated, Section 40-28-116(b), is amended by deleting the period at the end of the subsection and substituting:

, except that the board shall not require a condition or limitation to be completed prior to release on parole unless the department of correction recommends completion of the condition or limitation prior to release on parole.

SECTION 11. Tennessee Code Annotated, Section 40-28-122(c)(1), is amended by deleting the subdivision and substituting:

(1) The board shall, within a reasonable time, act upon the charges, and may, if it sees fit:

(A) For a revocation of parole that does not involve a new felony, new Class A misdemeanor, or absconding, require the prisoner to serve:

(i) A term of incarceration not to exceed fifteen (15) days for the first revocation;

(ii) A term of incarceration not to exceed thirty (30) days for the second revocation;

(iii) A term of incarceration not to exceed ninety (90) days for the third revocation; or

(iv) The remainder of the sentence, for a fourth or subsequent revocation; or

(B) For a revocation of parole that involves a new felony, new Class A misdemeanor, or absconding, require the prisoner to serve out in prison the balance of the maximum term for which the prisoner was originally sentenced, calculated from the date of delinquency, or such part thereof, as the board may

determine, or impose a punishment as the board deems proper, subject to § 40-28-123.

SECTION 12. Tennessee Code Annotated, Section 40-35-503, is amended by adding the following as new subsections:

()

(1) Notwithstanding subsection (b), there is a presumption that an eligible inmate must be released on parole, except for good cause shown, upon the inmate reaching the inmate's release eligibility date or any subsequent parole hearing.

(2) For purposes of this subsection (), "eligible inmate" means an inmate who:

(A)

(i) Is currently serving a sentence for a Class E or Class D felony offense; or

(ii) Is currently serving a sentence for a felony that is not classified as a violent offense under § 40-35-120(b);

(B) Is determined to be low risk to reoffend or most appropriately supervised in the community under the most recent validated risk and needs assessment performed under § 41-1-126;

(C) Has successfully completed the programming recommended by the department of correction based on a validated risk and needs assessment performed under § 41-1-126, or can complete any recommended programming while on parole supervision;

(D) Has not received a Class A or Class B disciplinary offense under department of correction policy within one (1) year of the inmate's parole hearing; and

(E) Has not been convicted of a violent sexual offense, as defined in § 40-39-202; sexual offense, as defined in § 40-24-108(b) or § 40-39-202; or sex offense, as defined in § 39-13-703.

(3) This subsection () does not eliminate or otherwise affect the requirements of subsection (c) or § 40-28-116(a)(2).

() Upon declining to grant parole in any case, the board must state in writing the reason for declining parole and how the inmate can improve the inmate's chance of being released on parole in the future.

SECTION 13. Tennessee Code Annotated, Section 40-35-503(b)(2), is amended by redesignating the current subdivision as subdivision (b)(2)(A) and adding the following language before the semicolon:

, except that the board's finding shall not be the sole basis for denying parole unless the individual is serving a sentence for any of the following offenses, in which case the board may deny parole for seriousness of the offense:

- (i) First degree murder or an attempt to commit, solicitation of, or facilitation of first degree murder;
- (ii) Second degree murder or an attempt to commit or facilitation of second degree murder;
- (iii) Voluntary manslaughter;
- (iv) Aggravated vehicular homicide;
- (v) Vehicular homicide;
- (vi) Especially aggravated kidnapping or an attempt to commit or facilitation of especially aggravated kidnapping;
- (vii) Trafficking for a commercial sex act;
- (viii) A human trafficking offense;
- (ix) Advertising commercial sexual abuse of a minor;

(x) Especially aggravated robbery or an attempt to commit or facilitation of especially aggravated robbery;

(xi) Aggravated rape of a child or an attempt to commit or facilitation of aggravated rape of a child;

(xii) Aggravated rape or an attempt to commit or facilitation of aggravated rape;

(xiii) Rape of a child or an attempt to commit or facilitation of rape of a child;

(xiv) Rape;

(xv) Aggravated sexual battery;

(xvi) Especially aggravated burglary;

(xvii) Aggravated child abuse;

(xviii) Aggravated sexual exploitation of a minor;

(xix) Especially aggravated sexual exploitation of a minor;

(xx) Aggravated vehicular assault; or

(xxi) Vehicular assault;

(B) If the board denies parole for seriousness of the offense, then the board shall state in writing how the inmate can improve the inmate's chances of being released on parole at the inmate's next hearing;

SECTION 14. Tennessee Code Annotated, Section 40-35-503(g), is amended by deleting the second sentence of the subsection.

SECTION 15. Tennessee Code Annotated, Title 40, Chapter 35, Part 5, is amended by adding the following as a new section:

40-35-506.

(a) As used in this section, "eligible inmate" means an inmate who:

(1) Is serving a felony sentence for an offense that occurred on or after July 1, 2021;

(2) Is eligible for parole consideration;

(3) Is calculated to have one (1) year or less remaining until expiration of all sentences that the inmate is serving or set to serve, or is calculated to reach the inmate's release eligibility date with less than one (1) year remaining until expiration;

(4) Does not have an active detainer for new or untried charges or sentences to serve in other jurisdictions;

(5) Has not been classified as maximum or close custody for disciplinary reasons in the previous two (2) years; and

(6) If the inmate has previously had the inmate's probation or parole revoked, has served at least six (6) months since returning to custody after revocation of probation or parole.

(b)

(1) The department of correction shall determine whether an inmate is an eligible inmate. Notwithstanding § 40-35-503, an eligible inmate must be released on mandatory reentry supervision one (1) year prior to the inmate's sentence expiration date as calculated by the department or, if the inmate is not eligible for parole one (1) year prior to the inmate's sentence expiration date, upon reaching the inmate's release eligibility date. Upon release, an eligible inmate is subject to mandatory reentry supervision until the inmate's sentence expiration date. The release must be under the terms and conditions established by the department of correction. The board of parole shall issue a certificate of mandatory reentry supervision to such offenders.

(2) Eligible inmates released on mandatory reentry supervision must be considered released on parole and must be supervised and subject to violations or revocation under chapter 28 of this title to the same extent as discretionary parolees. All provisions relative to imposition of graduated sanctions under

chapter 28 of this title apply to eligible inmates released on mandatory reentry supervision.

(3) Upon the issuance of a violation warrant regarding an eligible inmate, the inmate does not earn credit toward completion of the sentence until the removal of the delinquency.

(4) Mandatory reentry supervision for eligible inmates is not a commutation of sentence nor any other form of executive clemency.

(c) Notwithstanding § 40-35-111, upon expiration of a sentence of confinement for a person who is not an eligible inmate, the inmate must be released and subject to mandatory reentry supervision for a period of one (1) year following the inmate's sentence expiration date under conditions to be prescribed by the department of correction. Noncriminal, technical violations of supervision conditions by ineligible inmates must not result in revocation of supervision or incarceration. The mandatory reentry supervision period must be calculated by the department of correction.

(d) Mandatory reentry supervision under this section constitutes release into the community under the direct or indirect supervision of any state or local governmental authority or a private entity contracting with the state or a local government for purposes of § 40-35-114(13).

SECTION 16. Tennessee Code Annotated, Section 40-35-210, is amended by adding the following as a new subsection:

() When the court accepts a plea of guilty or nolo contendere or imposes a sentence on a defendant who has been convicted of a felony offense that occurred on or after July 1, 2021, the court shall specify in its order that the defendant may be subject to an additional year of mandatory reentry supervision pursuant to § 40-35-506 if, at the time of release, the defendant is not an eligible offender as defined in § 40-35-506.

SECTION 17. Tennessee Code Annotated, Title 40, Chapter 29, Part 1, is amended by adding the following as a new section:

40-29-108.

(a) A cause of action may not be brought against an employer or contracting party for negligent hiring, training, retention, or supervision of an employee or independent contractor based solely upon the fact that the employee or independent contractor has been previously convicted of a criminal offense.

(b) In a cause of action against an employer or contracting party for negligent hiring, training, retention, or supervision of an employee or independent contractor, evidence that the employee or independent contractor has been previously convicted of a criminal offense is not admissible.

(c) Subsections (a) and (b) do not apply when:

(1)

(A) The employer or contracting party knew or reasonably should have known of the employee's or independent contractor's prior conviction; and

(B) The employee or independent contractor was previously convicted of:

(i) An offense that was committed while performing duties substantially similar to those reasonably expected to be performed in the employment or under the contract, or under conditions substantially similar to those reasonably expected to be encountered in the employment or under the contract; or

(ii) A violent offense, as defined in § 40-35-120(b), or a violent sexual offense, as defined in § 40-39-202; or

(2)

(A) The cause of action concerns the misuse by an employee or independent contractor of the funds or property of a person other than the employer or contracting party;

(B) On the date the employee or independent contractor was hired, the employee or independent contractor had been previously convicted of an offense an element of which includes fraud or the misuse of funds or property; and

(C) The employer or contracting party should have reasonably foreseen that the position for which the employee or independent contractor was being hired would involve managing the funds or property of a person other than the employer or contracting party.

(d) This section does not create a cause of action or expand an existing cause of action.

SECTION 18. Tennessee Code Annotated, Section 41-8-106, is amended by adding the following as a new subsection:

(i)

(1) In addition to the reimbursement or compensation provided under subsection (c) and subdivision (g)(2), the department shall pay an accreditation stipend to eligible counties for each convicted felon housed by the county for which the county receives reimbursement or compensation provided under subsection (c) and subdivision (g)(2), as provided in subdivision (i)(3).

(2) For purposes of this subsection (i):

(A) "Eligible county" means a county that applies to the department for the accreditation stipend and that the department determines meets the following eligibility criteria:

(i) The county houses convicted felons pursuant to a contract with the state or houses felons awaiting transfer to a state facility;

(ii) All felons housed by the county are administered a department-approved validated risk-needs assessment within forty-five (45) days of admission to the county facility;

(iii) The county provides evidence-based programming;

(iv) All felons housed by the county and deemed to be in good behavioral standing, as determined by facility policy, are eligible to participate in evidence-based programming that is matched to each felon's risks and needs and are not required to participate in programs not indicated as needed by the evidence-based risk and needs assessment;

(v) The county makes reasonable efforts to select evidence-based programming that fits the demonstrated needs of the county's felony offender population by serving a substantial portion of the felons, rather than a narrow subset of felons;

(vi) The county is compliant with, or is making reasonable efforts to comply with, the federal Prison Rape Elimination Act of 2003 (34 U.S.C. § 30301 et seq.); and

(vii) The county achieves tier 1 or tier 2 accreditation from the Tennessee corrections institute pursuant to subdivision (i)(3); and

(B) "Evidence-based programming" means a program or programs shown by scientific research to effectively reduce recidivism rates and increase an offender's likelihood of success following release from incarceration, including programs focused on education, vocational training, mental health, substance abuse rehabilitation, or building healthy relationships. The department shall maintain a resource information

center webpage that provides resources regarding approved evidence-based programming.

(3)

(A) The amount of the accreditation stipend provided to eligible counties under this subsection (i), which is in addition to the amount set annually in the appropriations act for each convicted felon housed by the county for which the county receives reimbursement or compensation provided under subsection (c) and subdivision (g)(2), is:

(i) Three dollars (\$3.00) per day for each convicted felon housed by the county for which the county receives reimbursement or compensation under subsection (c) and subdivision (g)(2), if the county has achieved tier 1 accreditation from the Tennessee corrections institute; and

(ii) Six dollars (\$6.00) per day for each convicted felon housed by the county for which the county receives reimbursement or compensation under subsection (c) and subdivision (g)(2), if the county has achieved tier 2 accreditation from the Tennessee corrections institute.

(B) For purposes of subdivision (i)(3)(A), the board of control of the Tennessee corrections institute shall determine tier 1 and tier 2 accreditation standards by rule. The rules must be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(C) In order to change the amount of reimbursement or compensation provided under subdivision (i)(3)(A), a county must achieve the accreditation tier warranting the change in the fiscal year prior to the fiscal year in which the change in reimbursement or compensation will

occur and provide the department notice of the proposed change in reimbursement or compensation at least six (6) months prior to the proposed effective date of the change in reimbursement or compensation.

(4) In order to maintain the accreditation stipend, an eligible county must provide annual documentation to the department showing the percentage of the felons who enroll in the evidence-based programming and complete the programming in a timely manner. The department must determine whether that percentage is satisfactory based on the historical completion outcomes for the particular programming. The department shall establish the documentation and reporting requirements and provide the requirements to each eligible county receiving an accreditation stipend.

(5) A county's receipt of an accreditation stipend is conditioned upon the county maintaining eligibility and compliance with this subsection (i) warranting the stipend. If a county fails to maintain eligibility and compliance with this subsection (i) warranting the stipend, then the department may withhold stipend payments to the county or adjust the amount of such payments, as appropriate. In the case of material noncompliance or ineligibility under this subsection (i), as determined by the commissioner, the department may require the county to repay any stipend payments made to the county during the period of material noncompliance or ineligibility.

(6) After an accreditation stipend has been paid to a county for three (3) years, the department shall annually review the recidivism rates of felons housed in that county to determine whether the implementation of the programming has been effective in reducing recidivism rates. If the evidence-based programming at issue does not impact the recidivism rate by a satisfactory percentage, as determined by the department based upon the length of time that the programming has been utilized and the program's historical outcomes, then the

department may require that the county develop a corrective action plan that is satisfactory to the department in order to continue receiving the accreditation stipend.

(7) When implementing evidence-based programming for the felony offender population, an eligible county may implement more than one (1) evidence-based program.

(8) The office of criminal justice programs in the department of finance and administration shall provide information to eligible counties regarding federal grant dollars that may be available to support the implementation of evidence-based programming or other programs or projects to improve offender outcomes.

(9) A county shall not prohibit the county's misdemeanor offender population from participating in evidence-based programming when programming capacity remains following the enrollment of felons whose risks and needs correspond to the programming. The state is not responsible for any costs of incarceration or programming for misdemeanor offenders. However, misdemeanor offenders may utilize evidence-based programming capacity that has been paid for using the accreditation stipend provided under this subsection (i).

(10) The commissioner is authorized to promulgate rules to implement and effectuate this subsection (i), pursuant to the Uniform Administrative Procedures Act compiled in title 4, chapter 5.

(11) Tennessee's community colleges, established pursuant to title 49, chapter 8, and Tennessee's colleges of applied technology, established pursuant to title 49, chapter 11, part 4, are authorized to assist counties with the development of evidence-based programming for felons housed by counties. A county may work with the department and the board of regents established in title 49, chapter 8, part 2, to develop and implement such programming.

SECTION 19. Tennessee Code Annotated, Section 41-4-140(a), is amended by adding the following as a new subdivision (4) and redesignating the current subdivision (a)(4) accordingly:

(4) Inspect local jails, lock-ups, and workhouses to determine whether a county merits tier 1 or tier 2 accreditation by the Tennessee corrections institute pursuant to § 41-8-106(i) and report such determination to the department of correction;

SECTION 20. Tennessee Code Annotated, Title 49, Chapter 8, Part 2, is amended by adding the following as a new section:

In addition to all other authorized functions of the community colleges and state colleges of applied technology within the board of regents, each institution is authorized to contract and partner with local governments for the purpose of providing educational and workforce development programs to assist with reducing recidivism rates of criminal offenders held in local correctional facilities and improving opportunities for successful reentry upon release from incarceration.

SECTION 21. Tennessee Code Annotated, Section 49-11-404(a), is amended by adding the following as a new subdivision:

() Sheriff's department or other official or department charged with oversight of a county jail, lock-up, or workhouse for the purpose of developing reentry programs to effectively reduce the recidivism rate of criminal offenders and increase the likelihood of successful reintegration into society following release of individuals from incarceration.

SECTION 22. Tennessee Code Annotated, Section 62-76-104(b)(4), is amended by deleting the subdivision and substituting:

(4) In considering whether to deny an application for a license, certificate, or registration to an applicant pursuant to subdivision (b)(1), or whether to refuse to renew a license, certificate, or registration on the basis of a criminal conviction, the licensing authority must consider:

(A) The relationship between the nature of the crime and the purposes of regulating the occupation, profession, business, or trade;

(B) The relationship between the crime and the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation, profession, business, or trade;

(C) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against the relationship of crime to the occupation, profession, business, or trade; and

(D) Any applicable federal laws regarding an individual's participation in the occupation, profession, business, or trade.

SECTION 23. Tennessee Code Annotated, Section 62-76-104(b), is amended by deleting the language "subdivision (b)(4)(A)" wherever it appears and substituting "subdivision (b)(4)".

SECTION 24. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

SECTION 25. Sections 2 through 4 of this act take effect upon becoming a law for purposes of establishing the digital function for electronically submitting an impact statement video, and for all other purposes, take effect January 1, 2022, the public welfare requiring it. Sections 5 through 8 of this act take effect July 1, 2021, the public welfare requiring it. Sections 9 through 15 of this act take effect July 1, 2021, the public welfare requiring it, and apply to parole determinations made on or after that date. Section 17 of this act takes effect upon becoming a law, the public welfare requiring it. Section 18 of this act takes effect upon becoming a law, the public welfare requiring it, for the purpose of promulgating rules, and for all other purposes, takes effect October 1, 2021, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.